

11/26/04  
MED.  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Supp H (305)  
12/8/04  
Appl. No. : 10/825,254 Confirmation No. 8123  
Applicant : Tim Joseph Avampato et al.  
Filed : April 15, 2004  
TC/A.U. :  
Examiner :

Docket No. : F-8034A(01-443-2)  
Customer No. : 34704

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Attn.: Licensing and Review

RECEIVED  
NOV 29 2004  
LICENSING & REVIEW

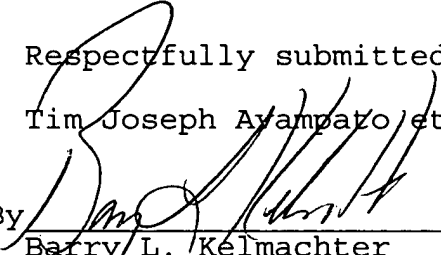
RESPONSE AND SUBMISSION OF STATEMENT

Dear Sir:

In response to the official communication from Licensing and Review dated November 12, 2004, a copy of which is enclosed, Applicants enclose herewith a Statement signed by the inventor, Tim Joseph Avampato, of the instant application.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

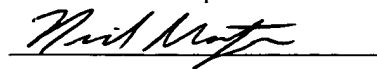
Respectfully submitted,  
Tim Joseph Avampato et al.

By   
Barry L. Kelmacher  
BACHMAN & LaPOINTE, P.C.  
Reg. No. 29,999  
Attorney for Applicants

Telephone: (203) 777-6628 ext. 112  
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Date: November 23, 2004

I, Nicole Motzer, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on November 23, 2004.



**DECLARATION**

I (We),

(1) Tim Joseph Avampato, a citizen of the United States of America, residing at 1004 Hunt Club Court, Export, PA 15632;

(2) Beth Ellen Tepper, a citizen of the United States of America, residing at 432 Anchorage Lane, North Palm Beach, FL 33408; and

(3) Antony Bautista, a citizen of the United States of America, residing at 685 Providence Main Street, #363, Huntsville, AL 35806,

declare:

That I (we) made and conceived the invention described and claimed in U.S. Patent Application Serial No. 10/825,254 filed on April 15, 2004, entitled **REDUCED GAIN TERUST CONTROL VALVE**.

That I (we) made and conceived this invention while employed by **UNITED TECHNOLOGIES CORPORATION**. That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; that the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of

\_\_\_\_\_. Other relevant facts are  
\_\_\_\_\_. That to the

best of my(our) knowledge and belief (and/or) based upon  
information provided by \_\_\_\_\_ of  
\_\_\_\_\_ :

(Check 1. or 2. below as appropriate)

- ☐ 1. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

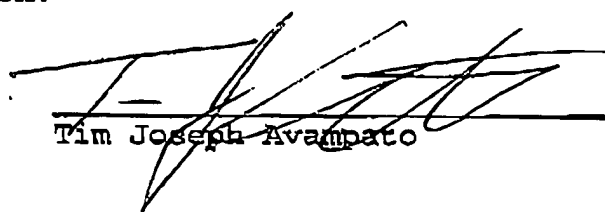
--AND/OR--

- ☒ 2. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor(s) declare further that all statements made herein of his or her(their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful

false statements may jeopardize the validity of the application  
or any patent issuing thereon.

Date: 11/22/04

  
Tim Joseph Avampato

Post Office Address:

1004 Hunt Club Court  
Export, PA 15632

Date: \_\_\_\_\_

\_\_\_\_\_  
Beth Ellen Tepper

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North Palm Beach, FL 33408

Date: \_\_\_\_\_

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Antony Bautista

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UNITED STATES DEPARTMENT OF COMMERCE  
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**NOV 12 2004**

*Response due - 12.12.04*

EX PARTE: AVAMPATO, ET AL..  
SERIAL NO.: 10/825,254  
FILED: 04/15/04  
TITLE: REDUCED GAIN THRUST CONTROL VALVE

**LICENSING & REVIEW**

Receipt is acknowledged of the statement filed 11/10/04 under the provisions of:  
     Section 152 of the Atomic Energy Act, 42 U.S.C. 2182, as amended.

  X   Section 305(c) of the National Aeronautics and Space Act, 42 U.S.C. 2457.

**THE STATEMENT IS INSUFFICIENT SINCE:**

     It is not in the form of an oath or a declaration (as provided by 37 CFR 1.68).

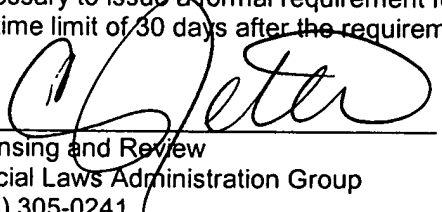
     It fails to set forth the "full facts" surrounding the making and conception of the invention as required by the Act. The full facts should include whether the invention was made and conceived during working hours of an employer's, or on the inventor's own time, using his/her employer's own funds, facilities, materials and services.

     In addition to setting forth the full facts concerning the circumstances under which the invention was made, a general averment in accordance with the statutory requirements was not recited setting forth the contractual relationship (if any) with either DOE and/or NASA.

  X   The section required the statement be executed by "applicant" and this is construed in accordance with patent statutes as meaning the person or persons who may apply for a patent. It is noted that this includes all joint inventors if the invention is joint, unless deceased, incompetent or unavailable within the meaning of 37 CFR 1.47. If a statement by someone in place of the unavailable inventor(s) is to be accepted, the same proofs, information and assignment called for by 37 CFR 1.47 (b) should be furnished, including the inventor's last known address. This has not been done.

  X   Other: ALL APPLICANTS MUST SIGN STATEMENT. PLEASE SUBMIT  
SUPPLEMENTAL STATEMENT WITH INVENTOR AVAMPATO'S SIGNATURE.

This application will be reached in about thirty (30) days for consideration of the need to call it to the attention of the Commissioner for the purpose of the formally requesting a statement under said section, unless a supplemental statement is voluntarily filed in the meantime. Should it be necessary to issue a formal requirement for the statement, no provision is found for extension of the time limit of 30 days after the requirement is made.

  
Licensing and Review  
Special Laws Administration Group  
(703) 305-0241  
11/12/04

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS  
MATTER TO THE ATTENTION OF LICENSING AND REVIEW**